

REMARKS

Claim Rejections - 35 USC § 102

The rejection of claims 1, 3, 7, and 9 as being anticipated by US 6035460 (Borter) is respectfully traversed.

The cited reference describes a shower door assembly that adjusts for installation in openings of different widths. The Office Action identifies the shower door 16 as corresponding to the claimed "pressure plate," and the door frame surrounding the shower door as corresponding to the claimed "U-shaped frame." The rejection asserts that the shower door is capable of holding a razor, as by a suction cup, to function as a microtome 9 (see US 5839198 - McCoy).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). It is respectfully argued that when this standard is applied, there are limitations of claims 1, 3, 7, and 9 that are not described in Borter.

Claim 1 requires "a pressure plate (3) for locking the cutting knife (2) in the knife holder (1) ...". In Borter, the shower door is not for locking the razor in "the knife holder." In fact, as stated in the McCoy patent,

The suction cup allows the razor unit to be affixed to any surface. In the preferred usage, the razor unit is temporarily affixed to a vertical surface such as a shower wall. The user may repeatedly remove and affix the razor unit to the surface as desired. This embodiment is especially preferred for individuals who use the razor while standing in a shower because it allows for quick and easy placement of the razor in a safe location on a vertical surface while the user performs other functions, such as lathering with shaving cream.

See McCoy at column 2, lines 35-43. Therefore, the door provides a placement surface on which the razor may affixed when it is not in use, but it does not function to lock the cutting knife in any manner.

By contrast, as described in the present specification, pressure plate (3) locks the cutting knife (2) in knife holder (1) by clamping the cutting knife. See paragraph [0021] and Figs. 1 and 2.

Claim 1 further requires "a U-shaped frame (4) mounted detachably on the pressure plate (3) by magnets (6)...". The Patent Office identifies the frame surrounding the

shower door and the magnets (24) of Borter as meeting this limitation. Presumably, the frame surrounding the shower door consists of vertical side wall jamb sections (10) and (11) and horizontal shower base (13) extending between the side wall jamb sections (10) and (11). Door (16) is mounted on the frame by a top pivot (43) associated with jamb section (11) and a bottom pivot (44) associated with shower base (13); both pivots can be seen in Fig. 2, although they are not numbered in that figure. The side jambs (10) and (11) and the base (13) are anchored to the shower wall and entryway floor of the shower by pan head screws 31. Continuous magnets (24) of Borter are part of a spring-loaded latching mechanism acting between the shower door and side wall jamb section (10). The U-shaped frame (members (10), (11), (13)) is not detachably mounted on door (16) by magnets (24) as required by the claim because separation of the opposing magnets (24) does not detach the U-shaped frame from the shower door.

Claim 1 includes a final limitation "wherein the frame (4) and the pressure plate (3) cooperate to form a water pan." The rejection states that the "frame" and the "pressure plate" identified in Borter "cooperate to form a water tight seal." The frame and shower door do not, however, cooperate to form a water pan.

Regarding claim 3, the frame identified in Borter (members (10), (11), (13)) is not made as a one-piece component.

Regarding claim 9, side wall jamb sections (10) and (11) of the frame are not wedge shaped.

For the reasons given above, applicant respectfully requests that the rejection of claims 1, 3, 7, and 9 as being anticipated by Borter be withdrawn.

Claim Rejections - 35 USC § 103

The rejection of claims 1, 3, 7, and 9 under 35 USC 103(a) as being unpatentable over US 5,551,326 (Goodman) in view of US 5351812 (Eagon) is respectfully traversed for reasons given below.

Goodman discloses a knife (73) having an upper surface (76); see column 6, lines 5 and 11. The Office Action argues that reference numeral (76) identifies a pressure plate "for locking the cutting knife (2) in the knife holder (1) ...". According to claim 1, the pressure plate is a part of the claimed knife holder, and is therefore separate from the knife itself. However, surface (76) in Goodman is part of the knife itself. Thus, surface (76) of Goodman cannot be a "pressure plate" in accordance with claim 1.

Goodman is discussed in the Background section of applicant's specification at paragraphs [0008]-[0009]. As explained by applicant, the disclosure of Goodman relates to embodiments wherein a water "boat" is arranged directly on the knife, an arrangement that is not possible in situations where the knife is clamped into the knife holder by a pressure plate.

Thus, Goodman is flawed as a primary reference against claims 1, 3, 7, and 9, and the rejection should be withdrawn.

The rejection of claim 8 under 35 USC 103(a) as being unpatentable over Goodman in view of US 2001/0003938 (Heid) is respectfully traversed based on the shortcomings of Goodman as a primary reference discussed above. Removal of the rejection is kindly sought.

Interview Request

Applicant respectfully requests a telephone interview with the Examiner pursuant to the enclosed Applicant Initiated Interview Request Form to discuss any issues not resolved by this written reply. The undersigned attorney proposes to schedule the interview for Tuesday, July 11 at 10:00 AM Eastern time, however, if the Examiner has a scheduling conflict, he is asked to telephone the undersigned attorney to reschedule the interview. The Examiner's cooperation in scheduling an interview is appreciated.

Conclusion

The present application is thought to be in a condition for allowance. If the Examiner has any questions, or the attorneys for applicant can assist in any way, the undersigned attorney may be contacted at the number provided below.

Respectfully submitted,

HODGSON RUSS LLP

By 

George L. Snyder, Jr.
Reg. No. 37,729

GLS/

Enclosures: Applicant Initiated Interview Request Form
Notice of Appeal (in duplicate)
Fee Transmittal
Check in the amount of \$500.00 for Notice of Appeal

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
(716) 856-4000
DATED: June 20, 2006